

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

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|----------------------------|---|-------------------------------|
| CODY RITESMAN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. CIV 24-286-RAW-GLJ |
| |) | |
| LT. MOONEY, et al., |) | |
| |) | |
| Defendants. |) | |

OPINION AND ORDER

On November 4, 2024, Plaintiff submitted a letter to the Court, alleging that on October 23, 2024, he was attacked by other inmates and injured. (Dkt. 53). He also claimed the prison staff have not protected him. He requested that he be sent to another prison for his safety, and he again asked the Court to appoint an attorney to represent him. *Id.*

The Court notes that this case was stayed on October 28, 2024, and no applications or motions will be considered until the Special Report is filed. (Dkt. 52 at 2). The Court, however, will consider Plaintiff's filing because of the nature of his allegations.

As an initial matter, a letter is not a proper pleading, and future letters may be returned or stricken. All requests for relief must be in the form of a proper motion--not a letter--in accordance with Rule 7 of the Federal Rules of Civil Procedure and Local Civil Rule 7.1. Further, each motion may ask for only one form of relief pursuant to Local Civil Rule 7.1(b).

Next, to the extent Plaintiff wants to amend his complaint to include the incident described in the letter, Plaintiff must file a proper motion to amend his complaint with a proposed amended complaint, in accordance with Local Civil Rule 9.2(c). In addition, after the stay is lifted, Plaintiff may file a second motion for appointment of counsel. To the extent Plaintiff is asking to be transferred to another facility, it is well settled that there is no constitutional right to incarceration

in a particular correctional facility. *Olim v. Wakinekona*, 461 U.S. 238, 245 (1983).

Finally, Plaintiff also has submitted a proposed order to show cause for a preliminary injunction and temporary restraining order. (Dkt. 53-2). The Court finds Plaintiff is attempting to file a motion for a preliminary injunction and temporary restraining order. Because the case has been stayed, however, the Court will not consider it at this time. Plaintiff may file a proper motion after the stay is lifted.

ACCORDINGLY, Plaintiff's allegations about the October 23, 2024, incident must be presented in accordance with Local Civil Rule 9.2(c). He may file a proper motions to amend the complaint, for appointment of counsel, and for a preliminary injunction and temporary restraining order after the stay is lifted. Plaintiff's request to be transferred to another facility is denied.

IT IS SO ORDERED this 11th day of December 2024.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE